IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6578 OF 2005

Nanasaheb Maruit Bagal ..Applicant
Vs.
The State of Maharashtra & anr. ..Respondents

Mr. Ganesh Gole for applicant.
Mr. D.P. Adsule, APP for State.
Mr. G.C. Sawant for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : October 31, 2007.

P.C.:

. Heard Mr. Gole the learned counsel for the applicant - original complainant. From the record and proceedings I have perused the oral depositions of the complainant Shri Nanasaheb Maruti Bagal examined as PW 1, Dayanand Pol examined as PW 2, Bramhadev Kumbhar-accused as DW 1 and Manohar Dhitekar examined as DW 2. The complainant in his cross-examination admitted that the contribution of capital in the business started with the accused was only Rs.50,000/-. The trial court on examination of the dishonoured cheque has recorded a finding that the contents were written in three different inks. PW 2 admitted that the cheque was drawn in the name of the

complainant in his hand writing. It was the case of the accused that five blank cheques were stolen from his drawer and he was consistent in the same while giving reply to the demand notice under Section 138(b) of the Negotiable Instruments Act, 1881. DW 2 has supported the case of the accused. He stated that the cheque dishonoured was out of those cheques mentioned in the application submitted by the accused (Exh.47) and claimed to be missing. He also stated that there were sufficient funds in the account of the accused when the dishonoured cheque was received by his bank and the cheque was dishonoured only because of the application at Exh.47.

. Having regards to the reasoning set out by the trial court in support of its order of acquittal, I am satisfied that the same does not call for any reconsiderations at the hands of this court.

. Hence, leave to appeal is hereby refused and the application is rejected.

(B.H. Marlapalle,J.)